

Establishment and Operation of Tollways

Utah Code Section 72-6-118

Prepared by the Office of Legislative Research and General Counsel (May 2008)

Utah Code § 72-6-118. Definitions -- Establishment and operation of tollways -- Imposition and collection of tolls -- Amount of tolls -- Rulemaking.

(1) As used in this section:

(a) "High occupancy toll lane" means a high occupancy vehicle lane designated under Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the number of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a toll or fee.

(b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

(c) "Toll lane" means a designated new highway or additional lane capacity that is constructed, operated, or maintained for which a toll is charged for its use.

(d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way designed and used as a transportation route that is constructed, operated, or maintained through the use of toll revenues.

(ii) "Tollway" includes a high occupancy toll lane and a toll lane.

(e) "Tollway development agreement" has the same meaning as defined in Section 72-6-202.

(2) Subject to the provisions of Subsection (3), the department may:

(a) establish, expand, and operate tollways and related facilities for the purpose of funding in whole or in part the acquisition of right-of-way and the design, construction, reconstruction, operation, enforcement, and maintenance of or impacts from a transportation route for use by the public;

(b) enter into contracts, agreements, licenses, franchises, tollway development agreements, or other arrangements to implement this section;

(c) impose and collect tolls on any tollway established under this section; and

(d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls pursuant to the terms and conditions of a tollway development agreement.

(3) (a) Except as provided under Subsection (3)(d), the department or other entity may not establish or operate a tollway on an existing state highway, except as approved by the commission and the Legislature.

(b) Between sessions of the Legislature, a state tollway may be designated or deleted if:

(i) approved by the commission in accordance with the standards made under this section; and

(ii) the tollways are submitted to the Legislature in the next year for legislative approval or disapproval.

(c) In conjunction with a proposal submitted under Subsection (3)(b)(ii), the department shall provide a description of the tollway project, projected traffic, the anticipated amount of tolls to be charged, and projected toll revenue.

(d) If approved by the commission, the department may:

- (i) establish high occupancy toll lanes on existing state highways; and
- (ii) establish tollways on new state highways or additional capacity lanes.

(4) (a) Except as provided in Subsection (4)(b), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall:

- (i) set the amount of any toll imposed or collected on a tollway on a state highway; and
- (ii) for tolls established under Subsection (4)(b), set:

(A) an increase in a toll rate or user fee above an increase specified in a tollway development agreement; or

(B) an increase in a toll rate or user fee above a maximum toll rate specified in a tollway development agreement.

(b) A toll or user fee and an increase to a toll or user fee imposed or collected on a tollway on a state highway that is the subject of a tollway development agreement shall be set in the tollway development agreement.

(5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:

- (i) necessary to establish and operate tollways on state highways; and
- (ii) that establish standards and specifications for automatic tolling systems.

(b) The rules shall:

- (i) include minimum criteria for having a tollway; and
- (ii) conform to regional and national standards for automatic tolling.

(6) (a) The commission may provide funds for public or private tollway pilot projects or high occupancy toll lanes from General Fund monies appropriated by the Legislature to the commission for that purpose.

(b) The commission may determine priorities and funding levels for tollways designated under this section.

(7) (a) Except as provided in Subsection (7)(b), all revenue generated from a tollway on a state highway shall be deposited into the Tollway Restricted Special Revenue Fund created in Section 72-2-120 and used for acquisition of right-of-way and the design, construction, reconstruction, operation, maintenance, enforcement of transportation facilities, and other facilities used exclusively for the operation of a tollway facility within the corridor served by the tollway.

(b) Revenue generated from a tollway that is the subject of a tollway development agreement shall be deposited into the Tollway Restricted Special Revenue Fund and used in accordance with Subsection (7)(a) unless:

- (i) the revenue is to a private entity through the tollway development agreement; or
- (ii) the revenue is identified for a different purpose under the tollway development agreement.